

Application No.: 10/061,880

Docket No.: INNOFF 3.0-013

**THE DRAWINGS**

Attachment: Replacement Sheets and New Figure 11.

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**REMARKS/ARGUMENTS**

This Amendment is in response to the outstanding final Official Action mailed May 15, 2003, the shortened statutory period for response having expired on August 15, 2003. In this regard, Applicant submits herewith a Three-Month Extension Petition to reset the deadline for responding to the Official Action to and including November 15, 2003. In addition, Applicant submits herewith a Notice of Appeal from the final rejection. In view of the above amendments and below remarks, reconsideration of the Examiner's rejection is respectfully requested.

Applicant submits herewith formal drawings with respect to the proposed corrections submitted with Applicant's prior amendment of February 20, 2003. In addition, Applicant submits herewith newly proposed Fig. 11 as requested by the Examiner. Fig. 11 shows the extension arm in assembled relationship in accordance with the present invention as described in the specification. The specification has been amended accordingly. The aforementioned amendments and newly proposed Fig. 11 are not new matter and accordingly, their entry is proper in this application.

The present application includes claims 1-54, of which claims 39-48 have been designated as allowed. As to the remaining claims, claims 1, 11, 14, 20, 25, 31, 49 and 53 have been presented in independent form. The Examiner has rejected the non-allowed claims under 35 U.S.C. § 103 as being unpatentable over the prior art disclosed in Figs. 1-7 of the present application, in view of *Walker*, United States Patent No. 2,151,877.

The Examiner states that the acknowledged prior art discloses certain features of Applicant's claimed invention but for the specific construction and method of assembling same

relating to Applicant's claimed reinforced channel members and forearm extension. To this end, the Examiner refers to *Walker* as:

showing elongated channel members (40, 41, 42, 43) being nested together to form a channel therebetween, with a reinforcing member having open ends (58) a wall and a bottom with two voids received within the first cavity, and a first, second, third and fourth roller units used in order to adjust the length of the first and second channel members, the first and third rollers (46) received within a respective open end of one of the reinforcing members, and the second ends of the roller units having a cylindrical member used as a stop and the second fourth rollers (51) used to aid in this adjustment by reducing friction of the channels sliding together.

The display apparatus disclosed in *Walker* is considered irrelevant to Applicant's claimed invention. In this regard, the disclosed display apparatus is constructed from a plurality of channel members 40, 41, 42, 43 which are of progressively decreasing cross-sectional size whereby the channel members may be telescopically arranged longitudinally between collapsed and extended states. For example, as shown in Fig. 1, each of the channel members have been extended outwardly whereby each channel member is withdrawn from the interior of its adjacent channel member. In its collapsed states as shown in Fig. 2, each of the channel members are slidingly received over their entire length within the interior of their adjacent channel member. Accordingly, the display apparatus of *Walker* discloses individual channel members which are slidingly received in end-to-end relationship with an adjacent channel member so as to telescope outwardly and contract inwardly between extended and retracted states as shown in Figs. 1 and 2. This construction is contrary to Applicant's claimed channel members.

As disclosed in Applicant's Figs. 8A and 9B, the channel members are formed from, as to Fig. 8A, a channel exterior

member 253 which receives a reinforcing bar 252 having opposite ends to which there is attached a roller unit 251. Subsequent to the assembly process, the reinforcing member and roller units are fixedly secured to one another and within the channel exterior member to form an extension arm of fixed predetermined length. Unlike the display apparatus in Walker, the reinforcing member cannot telescopically move within the interior of the channel exterior member 253.

In the Official Action, the Examiner has stated as the reason for allowance of claims 39-48 that the prior art does not show channel members with a cavity which receives a reinforcing member fixedly secured therein. Applicant has amended the non-allowed independent claims to recite that the reinforcing member is fixedly secured within the cavity of the channel member. As the Examiner has acknowledged that this feature distinguishes the present invention over *Walker* either alone or in combination with the prior art disclosed in Figs. 1-7 of this application, the Examiner's rejection is considered traverse and should therefore be withdrawn. As all claims pending in this application possess the requisite novelty and unobviousness over the prior art of record, notice to that effect is respectfully requested.

Applicant disagrees with the Examiner's comments in the section entitled "Response to Arguments". However, in view of Applicant's remarks in this response and the contemplated allowability of the claims, the foregoing comments by the Examiner are considered moot.

In considering Applicant's within response, Applicant designates the rejected dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission

that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 14, 2003

Respectfully submitted,

By 

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